

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JUDY DILLEY,

Plaintiff,

v.

OPINION & ORDER

HOLIDAY ACRES PROPERTIES, INC. and
STEVE KRIER,

16-cv-91-jdp

Defendants.

Plaintiff Judy Dilley was injured when she fell from a horse provided by defendant Steve Krier's business, Holiday Stables, which is located on land owned by defendant Holiday Acres Properties, Inc. Dilley asserted claims against Holiday Acres and Krier, alleging that they failed to ensure her safety. The court granted summary judgment in favor of defendants under Wisconsin's equine immunity statute, Wis. Stat. § 895.481, and Dilley appealed. Dkt. 103; Dkt. 122; Dkt. 142.

Dilley now asks the court to stay enforcement of the bill of costs pending appeal. Dkt. 141. Holiday Acres opposes. Dkt. 147. "[A] district court may award costs even while the substantive appeal is pending." *Lorenz v. Valley Forge Ins. Co.*, 23 F.3d 1259, 1260 (7th Cir. 1994). Dilley's motion is denied.

Dilley does not claim that she cannot pay the costs; she simply says she has a non-frivolous appeal and the court has the discretion to allow a losing party to delay payment without posting a bond. But Holiday Acres raises a reasonable concern about whether it will be able to collect. So Dilley has two options: she can either pay the amount owed to defendants,

or she can pay the amount owed to the court. If she pays the court, whoever prevails on appeal will get the costs and whatever interest accrues.

ORDER

IT IS ORDERED that plaintiff Judy Dilley's motion to stay the enforcement of bill of costs, Dkt. 141, is DENIED.

Entered October 24, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge